

**REMARKS**

Claims 1-43 and 58-73 are pending in the application. No claims have been amended, added, or cancelled.

**35 U.S.C. § 112 Rejections**

Claims 1-43, 68 and 70 stand rejected under 35 U.S.C. §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In the present Office Action, the examiner states:

“The examiner is relying on MPEP 2173.05(p) (11) - directed to a product and process in the same claim. See also: A single claim which claims both an apparatus and the method steps of using the apparatus is indefinite under 35 U.S.C. 1 12, second paragraph. \*> IPXL Holdings v. Amazon.com, Inc., 430 F.2d 1377, 1384,77 USPQ2d 1140,1145 (Fed. Cir. 2005);eEx parte Lyell, 17 USPQ2d 1548 (Bd. Pat. App. & Inter. 1990).”

Applicant did in fact understand the examiner’s rejection. Applicant however disagrees and submits MPEP 2173.05(p) (11) is not applicable. It is first noted that the cited claims do not recite both an apparatus and method steps for using the apparatus. Rather, the claims recite only an apparatus and functional limitations of the apparatus. Both of independent claims 1 and 70 recite a receiver comprising an engine. The data processing engine is recited with functional limitations. As stated in MPEP 2173.05(g): “A functional limitation is an attempt to define something by what it does, rather than by what it is .... There is nothing inherently wrong with defining some part of an invention in functional terms.”

Applicant notes that *Lyell* specifically recites **both** an apparatus comprising “...a support means, [an] internally splined sleeve... [and] a threaded adjustment bolt...” and a distinct method of using the recited apparatus, comprising steps of “positioning... removing... repairing and replacing... [and] adjusting...” components with respect to the apparatus. Similarly, in *IPXL Holdings v. Amazon.com*, 430 F.3d 1377, 1352 (Fed. Cir. 2005) which cites *Lyell* in support, a system claim clearly recites both a system including an input means element and a method of using “wherein... the user uses the input means...” to perform various actions. However, unlike the claims in *Lyell* and *IPXL Holdings*, Applicant’s claim 1 does not recite both an apparatus and a method of use in the same claim.

### 35 U.S.C. § 102 Rejections

Claims 1-4, 7, 42, 43, 58, 59, 67 and 72 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,337,715 (hereinafter “Inagaki”). Applicant respectfully traverses this rejection.

On page 3 of the present Office Action, the examiner states:

“Furthermore, Inagaki teaches a header and data, both of which creates the format definition, wherein the header identifies the name of the library and attributes in combination with the data reads on a format definition. Applicant appears to allude to a format as a syntax or semantics of the data, but this is not required as format is given the broadest reasonable interpretation in the art, which does not preclude software code. As such the name of the library in combination with the code reads on a format definition.” (emphasis added).

It would appear the examiner is examining the claims which existed prior to the most recent amendment. As amended, claim 1 recites the data processing engine is configured to receive a format definition which includes “a description of a grammar which defines a syntax of a target language.” Therefore, the examiner’s statement above regarding a syntax not being required is in error.

Further, in the present Office Action it is suggested that the above features are disclosed by Inagaki in the following:

“FIG. 8 is a diagram showing an example of a structure of a broadcast signal of a program provided by a broadcaster. As shown in FIG. 8, the broadcast signal comprises a data part 31 and a header part 32. In the header part 32, the name of a decoding software program (library) for decoding data in the data part 31, and attribute data, such as the display position and display size of the data, are described. That is, data A is decoded using a library A, and displayed at a position (X1, Y1) on a screen, in a size (W1, H1).” The software library A described in the header part is just a pointer indicating the library A, so the library A itself must be fetched.” (Inagaki, col. 8, lines 50-57).

However, nowhere in the above is there disclosed a received format definition that includes “a description of a grammar which defines a syntax of a target language.” Rather, reference is simply made to a signal that includes a data part and header part, where the header includes a pointer to decoding software. Nothing in this disclosure describes format definition that includes a description of a grammar which defines a syntax of a target language.

Further, even were one to accept, for the sake of argument (which Applicant does not), that the library in some way describes a grammar which defines a syntax of a target language, the “software library A described in the header part is just a pointer indicating the library A.” Therefore, the suggested format definition of the reference still does not meet the claim features.

For at least the above reasons, claim 1 is patentably distinguishable from the cited art. Claims 58, 70, and 71 are distinguishable for similar reasons.

### 35 U.S.C. § 103 Rejections

Claims 5-11, 26-27, and 59-61 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Inagaki in view of Program Guide for Digital Television ATSC

Standard (hereinafter “ATSC”). Claim 73 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Inagaki in view of U.S. Patent No. 6,286,133 (hereinafter “Hopkins”). Applicant respectfully traverses this rejection. However, as the rejection of each of these claims depends upon Inagaki for the reasons discussed above, the suggested combinations do not disclose all the features of the claims. Accordingly, a *prima facie* case of obviousness has not been established and each of these claims are patentably distinct from the combination of cited art.

In light of the foregoing amendments and remarks, Applicants submit that all pending claims are now in condition for allowance, and an early notice to that effect is earnestly solicited. If a phone interview would speed allowance of any pending claims, such is requested at the Examiner’s convenience.

**CONCLUSION**

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above referenced application from becoming abandoned, Applicant hereby petitions for such an extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5266-09300/RDR.

Respectfully submitted,

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